

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

09	EARL LYNN BAGLEY,)	Case No. C05-1161-JCC-JPD
10	Petitioner,)	
11	v.)	ORDER RE: PETITIONER'S
12	UNITED STATES OF AMERICA,)	MOTION TO TRANSFER AND
13	Respondent.)	RESPONDENT'S SECOND MOTION
)	FOR EXTENSION OF TIME

Petitioner is proceeding *pro se* in this 28 U.S.C. § 2255 motion to vacate, set aside, or correct his 2004 federal Court sentence.¹ On August 22, 2005, petitioner filed a motion to transfer him from the Federal Penitentiary in Lompoc, California to the Federal Detention Center in Seatac, Washington ("FDC"). Dkt. No. 15. Petitioner argues that he should be transferred to the FDC because he believes he is not receiving proper medical treatment for a chronic skin ulcer and because he has certain respiratory problems. *Id.* Petitioner contends that the only treatment that has relieved his ulcers was provided to him in Seattle while he was held pending trial. *Id.*

In its response, the government argues that petitioner's motion raises medical issues directly related to those raised in his § 2255 motion. Dkt. No. 17. It further argues that

¹The case was transferred to this Court from the Central District of California because petitioner was sentenced here. Dkt. No. 4.

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01 certain hearing transcripts are necessary to properly address those issues. *Id.* By a separate
02 motion filed on the same day, respondent argues that the Court should grant a second
03 extension of time, until approximately October 14, 2005, for it to respond to petitioner's §
04 2255 motion because there have been unforeseen administrative delays in connection with
05 transcribing the needed transcripts. Dkt. No. 16. Respondent further argues that the § 2255
06 motion and motion to transfer should be stayed until the transcripts are made available in mid
07 October.

08 Petitioner's ulcer-related health condition has been a serious and ongoing concern for
09 the parties throughout this case. Indeed, United States Magistrate Judge Mary Alice Theiler
10 ordered that petitioner be transferred to a federal medical facility pending sentencing. CR04-
11 18, Dkt. No. 27. Based on the current record, however, it is unclear how serious petitioner's
12 current condition is and whether staying consideration of the above-referenced motions may
13 impact petitioner's health. Having carefully reviewed the parties' papers and the available
14 record, the Court therefore ORDERS as follows:

15 (1) The parties are ORDERED to inform the Court of the nature and extent of
16 petitioner's current medical condition and whether it is likely to seriously deteriorate over the
17 course of the thirty days. The parties are directed to submit such information **no later than**
18 **Friday, September 23, 2005.**

19 (2) The Clerk is directed to send a copy of this order to petitioner, counsel for
20 respondent, and to the Honorable John C. Coughenour.

21 DATED this 8th day of September, 2005.

22 
23 JAMES P. DONOHUE
24 United States Magistrate Judge
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